

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wikswo et al. International Appln No. PCT/US02/24938  
Docket No. 14506-44191 Intl. Filing Date: August 6, 2002  
Filed: January 12, 2004 Priority Date: August 6, 2001  
Title: SYSTEM AND METHODS FOR DISCRIMINATING AN AGENT

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CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV025492164US

Date of Deposit: April 8, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP: PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Tim Tingkang Xia

PETITION UNDER 37 CFR § 1.182

MAIL STOP: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.182, it is respectfully requested that the replacement PTO-Form 1390, enclosed herein, be accepted to replace the one filed on January 12, 2004. The "International Application No." was listed incorrectly on the originally filed form. However, Applicant submitted a copy of the *correct* International Application No. PCT/US02/24938, to which this application claims priority. There were no other errors within the originally filed paperwork other than the one mentioned herein.

S/N: Unassigned

Docket No. 14506-44191

Applicant has submitted the replacement PTO-Form 1390 "exactly as originally filed" with the exception of the corrected International Application Number. However, Applicant respectfully requests that the Examiner make note of the new attorney docket number and correspondence address information, which became effective after the filing of said application.

Enclosed please find the following:

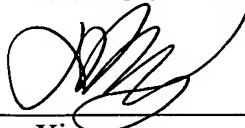
- 1) Replacement PTO-Form 1390;
- 2) Copy of Originally Filed Application;
- 3) General Power of Attorney Concerning International Patent Applications;
- 4) Change of Correspondence Address; and
- 5) A check in the amount of \$130.00 to cover the Petition fee.

Upon receipt of this Petition, Applicant respectfully requests that the application be made of record with a filing date of **January 12, 2004**, and requests that a serial number be assigned as appropriate and forward to the new correspondence address. Consideration of this Petition respectfully requested.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

April 8, 2004

  
\_\_\_\_\_  
Tim Tingkang Xia  
Reg. No. 45,242  
TTX

MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326-1044  
Phone: 404-233-7000  
Direct: 404-495-3678

04/12/2004 GFREY1 00000033 PCT/US02/24930

01 FC:1460

130.00 0P

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

60000USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

UNKNOWN

INTERNATIONAL APPLICATION NO.

PCT/US02/24938

INTERNATIONAL FILING DATE

6 AUGUST 2002

PRIORITY DATE CLAIMED

6 AUGUST 2001

TITLE OF INVENTION

SYSTEM AND METHODS FOR DISCRIMINATING AN AGENT

APPLICANT(S) FOR DO/EO/US


WIKSWO ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Application Data Sheet (6 pages), International Publication Page of WO 03/068979 A2, Submission of Formal Drawings, 41 sheets of Formal Drawings, Form 1449, 1 reference, Form PCT/ISA/220, Form PCT/ISA/210, Form PCT/IPEA/402, Form PCT/IB/304, Form PCT/IB/308.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		NATIONAL APPLICATION NO.		ATTORNEY'S CASE NUMBER	
UNKNOWN		PCT/US02/24938		60063 10USWO	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):					
Search Report has been prepared by the EPO or JPO.....\$920.00					
International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(1)).....\$730.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$770.00					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(3)) paid to USPTO ..... \$1080.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$920.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	65 -20 =	45	X \$18.00	\$810.00	
Independent claims	6 -3 =	3	X \$86.00	\$258.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1988.00	
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$994.00	
SUBTOTAL =				\$994.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$0.00	
TOTAL NATIONAL FEE =				\$994.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$40.00	
TOTAL FEES ENCLOSED =				\$994.00	
				Amount to be: refunded	\$0.00
				charged	\$0.00
a. <input checked="" type="checkbox"/> Check(s) in the amount of \$994.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: TIM XIA MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903					
				SIGNATURE: 	
				NAME: Tim Tingkang Xia	
				REGISTRATION NUMBER: 45,242	

**GENERAL POWER OF ATTORNEY  
CONCERNING INTERNATIONAL PATENT APPLICATIONS  
PATENT COOPERATION TREATY  
APPOINTMENT OF AGENT**

The undersigned applicant(s) hereby appoints:

XIA, Tim Tingkang	Reg. No. 45,242
HARRIS, John. R.	Reg. No. 30,388
TODD, Jack D.	Reg. No. 44,375
TILLMAN, Chad. D.	Reg. No. 38,634
ANDERSON, Brian J.	Reg. No. 43,470
STANO, Dana E.	Reg. No. 50,750
MACDONALD, Brian D.	Reg. No. P-54,288

MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326-1044  
(404) 233-7000 (Atlanta)  
(704) 554-8982 (Charlotte)

as agents to act on its behalf before the competent International Authorities in connection with any and all International applications filed under the Patent Cooperation treaty in the U.S. Receiving Office, and to receive payments on behalf of the undersigned.

Nashville, Tennessee, USA      Feb. 13, 2004

Place: City, State & Country      Date

**VANDERBILT UNIVERSITY**

By:   
Name: Christopher D. McKinney  
Title: Director

# COPY

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: WIKSWO et al.  
 Title: SYSTEM AND METHODS FOR DISCRIMINATING AN AGENT  
 Docket: 60063.10USWO  
 Express Mail No.: EV 408495626 US  
 Date of Deposit: JANUARY 12, 2004

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
  - ☒ National Stage PCT Patent Application: Spec. 74 pgs; 65 claims; Abstract 1 pgs.
  - ☒ 41 sheets of formal drawings
  - ☒ Small entity status is claimed pursuant to 37 CFR 1.27
  - ☒ An unsigned Combined Declaration and Power of Attorney
  - ☒ Assignment of the invention to Vanderbilt University, Recordation Form Cover Sheet
  - ☒ A check in the amount of \$994.00 to cover the Filing Fee
  - ☒ A check for \$40.00 to cover the Assignment Recording Fee.
  - ☒ Information Disclosure Statement, Form 1449, 1 reference(s).
  - ☒ Amend the specification by inserting before the first sentence:  
 This application claims the benefit of Provisional Application No. 60/310652, filed 6 August 2001, which is incorporated by reference herein in its entirety.
  - ☒ Application Data Sheet, 6 pages.
  - ☒ Other: International Publication Page of WO 03/068979 A2, Submission of Formal Drawings, Form PCT/ISA/220, Form PCT/ISA/210, Preliminary Amendment, Form PCT/IPEA/402, Form PCT/IB/304, Form PCT/IB/308.
  - ☒ Return postcard
- Patent

TX:nel



EV 408495626 US



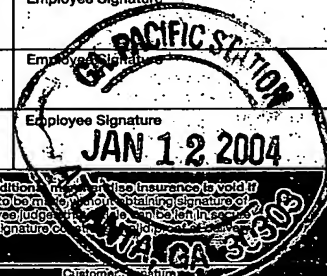
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: WIKSWO  
Docket: 60063.10USWO  
Title: SYSTEM AND METHODS FOR DISCRIMINATING AN AGENT

**CERTIFICATE UNDER 37 CFR 1.10**

'Express Mail' mailing label number: EV 408495626 US

Date of Deposit: JANUARY 12, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application: Spec. 74 pgs; 65 claims; Abstract 1 pgs.  
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 41 sheets of formal drawings
- ☒ Small entity status is claimed pursuant to 37 CFR 1.27
- ☒ An unsigned Combined Declaration and Power of Attorney
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- ☒ Return postcard

**CLAIMS AS FILED**

Number of Claims Filed		In Excess of:		Number Extra		Rate		Fee
Basic Filing Fee								\$460.00
Total Claims								
65	-	20	=	45	x	9.00	=	\$405.00
Independent Claims								
6	-	3	=	3	x	43.00	=	\$129.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$994.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

**MERCHANT & GOULD P.C.**  
P.O. Box 2903, Minneapolis, MN 55402-0903  
(612) 332-5300

By: 

Name: Tim Xia  
Reg. No.: 45,242  
Initials: TX:nel

(PTO TRANSMITTAL - NEW FILING)

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# CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450.

Application Number	Unassigned
Filing Date	January 12, 2003
First Named Inventor	Wikswow et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	14506-44191

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Tim Tingkan Xia

Address

Morris, Manning &amp; Martin, LLP

Address

1600 Atlanta Financial Center, 3343 Peachtree Road, N.E.

City

Atlanta

State

Georgia

Zip

30326-1044

Country

U.S.A.

Telephone

404-233-7000

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I am the:

☐

Applicant/Inventor

☐Assignee of record of the entire interest.  
Statement under 37 CFR 3.7(b) is enclosed. (Form PTO/SB/96).☒

Attorney or Agent of record.

☐

Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Typed or Printed  
Name

Tim Tingkan Xia

Signature

Date April 8, 2004

Telephone 404-495-3678

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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